

Amendment under 37 CFR §1.111  
Application No. 10/509,425  
Attorney Docket No. 042592

### **REMARKS**

#### **Allowable Claims**

We are pleased to inform you that claim 2 has been indicated to be allowable if rewritten or amended to overcome the objections under 35 USC §112. Please see page 2 and 3 of the Office Action.

#### **Objection to Claims**

**Claim 2 was objected to because of informalities.**

Accordingly, claim 2 has been amended to overcome the objection.

#### **Rejections under 35 USC §102**

**Claim 1 was rejected under 35 USC §102(a) as being anticipated by the article by Yoshikawa et al.**

Yoshikawa et al was cited in the International Search Report, which indicated that the reference was published on June 21, 2002. The publication date of Yoshikawa et al is after the filing date of Japanese Patent application No. 2002-086649 filed on March 26, 2002, priority of which is claimed in this application. A verified translation of the certified priority document is attached. Applicants submit that the claim for foreign priority has been perfected.

Thus, the 35 USC §102(a) rejection over Yoshikawa et al has been overcome.

**Claim 1 was rejected under 35 USC §102(b) as being anticipated by the article by Guerassimova et al.**

Claims have been amended to excluded the materials disclosed in Guerassimova et al. In claim 1, R is a mixture of Gd-Yb or Lu-Yb while Guerassimova et al discloses a mixture of Y-Yb. Also, while Guerassimova et al discloses  $R_3Al_5O_{12}$ , New claim 4 recites  $R_3Ga_5O_{12}$  and  $Li_6R(BO_3)_3$ , wherein R is a mixture of Y-Yb. The relationship between claimed materials and prior art materials are shown in Table 1 below.

Table 1

R	$R_3Al_5O_{12}$	$R_3Ga_5O_{12}$	$Li_6R(BO_3)_3$
Gd-Yb	Claim 1	Claim 1	Claim 1
Lu-Yb	Claim 1	Claim 1	Claim 1
Y-Yb	Guerassimova et al	Claim 4	Claim 4

Guerassimova et al does not teach or suggest the luminescent material for scintillators as recited in amended claims 1 and 4.

For at least these reasons, claims 1 and 4 patentably distinguish over Guerassimova et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Verified translation of Japanese Application No. 2002-086649  
Copy of International Search Report

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